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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,106	02/27/2002	Robert Allan Unger	SNY-R-976	6776
24337 7590 03/02/2010 MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606				
EXAMINER SHANG, ANNAN Q				
ART UNIT 2424		PAPER NUMBER		
MAIL DATE 03/02/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/084,106

Applicant(s)

UNGER, ROBERT ALLAN

Examiner

ANNAN Q. SHANG

Art Unit

2424

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed 12/09/09 have been fully considered but they are not persuasive.

With respect to the rejection of the last office action mailed 10/16/09, Applicant discusses the prior arts of record and further argues that the prior arts of record do not teach the claims limitations and that the Examiner has over-broadened the actual disclosure of the Blatter reference and that the secondary reference, Herley does not overcome the deficiencies in Blatter (see page 11+ of Applicant's Remarks).

In response, Examiner notes Applicant's arguments, however, Examiner disagrees. Blatter teaches Head end "HE", Broadcaster "BC", Transport System "TS" 25; constructing a program association table (PAT) that associates programs with primary PIDs; constructing a plurality of program map tables (PMT), one for each program in the PAT (col.2, lines 38-65, col.3, lines 46-49, col.4, line 35-col.5, line 54, col.8, line 16-53 and col.9, line 23-col.10, line 1+). The HE, BC or TS-25, constructs a lookup table that maps at least one primary PID (Base PID) that identifies a portion of a program (Broadcast programs) encrypted under a first encryption system to at least one shadow PID that identifies a duplicate of the same portion of the program encrypted under a second encryption system (col.2, lines 38-65, col.3, lines 46-49, col.4, line 35-col.5, line 54, col.8, line 16-53 and col.9, line 23-col.10, line 1+); and broadcasting the PAT, the PMTs and the lookup table over the content delivery medium (col.3, lines 46-49, col.4, line 35-col.5, line 54 and col.7, line 62-col.8, line 67 and col.9, line 23-col.11, line 1+). Blatter teaches that the CAT holds encrypted codes of the PIDs (the Base PID and Base PID-offset value) of the program and where the TS-25 further and multiplexes the data over a communication medium to various devices (Computers, HDTV Receivers, various types storage devices, etc.) on the network. Blatter further discloses Transport System (TS) 25 (a Gateway Server or Broadcast Server), which further receives these encrypted MPEG streams decrypts that packets for presentation and further creates or generates PIDs, PAT, PMTs, CATs, etc., and further encrypts the data for stored/retrieval and further performs various processes of encrypting/decrypting of the data packets for communication and presentation on devices on the network. Blatter discloses encrypting broadcast programs two or more times, but does not clearly disclose that the same portion of the program is encrypted under a second encryption system. However, in the same field of endeavor Herley disclose method and apparatus for partial encryption of content where same portion of the program is encrypted two or more times (figs.2-5, Abstract, page 1, [0010-0013] and [0020-0031]). Applicant arguments are not persuasive. The rejection using the prior arts of record is proper meets all the claims limitations. This finality of the last office action is proper and maintained.

/Annan Q Shang/
Primary Examiner, Art Unit 2424